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CRISS and M.D. vs. Tulcea Municipality Police

POLICE'S ACTS OF VIOLENCE AGAINST ROMA

POLICE ABUSE AGAINST ROMA

"When I entered the building, he yelled swear words at me: "com' on, you slick guy, f**k your mother's a** of Gypsy", then he started to beat me up without any question asked. So I started to shout: "Wait, Mister, what you have against me? Why do you hit me??"

CRISS and M.D. vs. Tulcea Municipality Police

I. De Facto

On the night of 31st May to 1st June 2003, a Romanian citizen of Roma ethnicity was taken out of the building he lives in and taken to the Tulcea Municipality Police, where a police officer commits acts of violence against him.

Romani CRISS documented the case in terms of the violation of human rights, thus obtained information for the victims and the witnesses in order to inform the competent institutions.¹

According to the victim's declaration, Mihai Dumitru (M.D.), in the night of the incident "I talked to my neighbours, watched the football games and fell asleep; since I've worked all week, I was very tired."²

Around 2 a.m., M.D. wakes up to go to the toilet and, while standing on the flight of stairs, he noticed neighbours gathered at the window of the hallway³. Outside the building, at approximately 10 meters away, another neighbour, O.C. just stood there, smoking, while a person with a bat threatened him to go inside the house⁴.

O.C. was going to enter the building, but the "person continued to swear: "fuck your sorry a** , you gypsies, I will make you see who inspector Branza is" ⁵.

M.D. declares that when he heard that he said: "what are you doing Mister? Why do you disturb us at this hour? You have no common sense" and then entered in the toilet.

Meanwhile, the police inspector asked for backup and, 3 police cars (2 Aro and 1 Dacia) arrived at the place, filled with policemen and gendarmes⁶. After the cars had arrived, the inspector and other policemen climbed the stairs till the first floor. The neighbours gathered at the window were scared and enter their rooms. At the first floor, as the victim declares, "inspector Branza and other policemen enter one's neighbour apartment, thinking I was living there', but then, after discussing with the neighbour, "while being at the toilet, I was blind by a flashlight and heard: this is him, grab him! ⁷" M.D. is taken out of the building, thrown into a Aro car and taken to the police station, without any acts of violence against him.

According to M.D. declaration, inspector Branza was waiting for him at the precinct, told him bad words and then "started to beat me without asking any question" ⁸.

In one's of the police offices, acts of violence are committed against the victim. M.D. is hit in the face and head, then with the knee in the testicles, for several times⁹. M.D. says that blood was pouring out his nose and mouth on the floor.

Subsequently, inspector Branza "called the gendarme at the door and told him: take him to wash his face and if he spits blood one more time, hit him with the gun stock in the mouth¹⁰". Then he wrote "the

¹ The documentation of the case was carried out by the human rights local monitor contracted by Romani CRISS for Tulcea County, Mr. Dumitru Vasile;

² Quote from the victim's declaration, registered at Romani CRISS file;

³ The window is the building first floor and has view upon the frontage of the building and the main street;

⁴ According to M.D. declarations, the swear words addressed to the neighbour are: "get in the house, you mother f***r or I'll shove this cigarette down your throat and beat you up; do you wanna swallow the cigarette?";

⁵ Quote from M.D. declaration;

⁶ Neither the victim, nor the witnesses can state the exact number of gendarmes and police officers at the scene;

⁷ Quote from M.D. declaration;

⁸ The exact quote of the victim is: "They got me off at the precinct and inspector Branza, who had arrived before me, was waiting for me downstairs. When I entered the building he told me swear words: "'com' on, you slick guy, f**k your mother's a** of Gypsy", then he started to beat me up without any question asked. So I started to shout: "Wait, Mister, what you have against me? Why do you hit me?";

⁹ See the declaration of M.D.;

¹⁰ Quote from M.D. declaration; the victim says that the gendarme witnessed the beating he got from the police inspector Branza;

proceedings of the contravention and fined me with 40,000,000 Rol (approximately 1.100 Euro – n.n.)”¹¹, which M.D. refused to sign¹².

M.D. exit the police station and his wife, who was waiting for him, took him home, because he was not feeling well. Around 3.30 M.D. is hospitalised in the surgery section within County Hospital Tulcea, being brought there by R.M and R.L.

The declaration of victim M.D. is supported by the following witnesses: Odica Costel, Mihai Angelica, Sadac Elena, Dumitru Danuta, Rostas Mariana, Nanu Dumitru and Ion Marian.

II. Press coverage of event

The incident occurred on the night of 31 May to 1 June 2003 is covered by the local press.

On 06 June 2003, the “Obiectiv” newspaper publishes a press article with the title **“Scandal on Alunisului St. – Police Inspector Accused of Fiercely Beaten a Gypsy”**¹³. The article wrote: “...an apparently “routine” quarrel led to a real scandal, amplified by Police force intervention and “picking up” from his house of a Roma suspected of being the initiator of the scandal. Unusual it’s the fact that the “picked up” Roma which was taken by the patrol wagon to the precinct ended up hospitalised in the County Hospital, with a turgid face”.

The same article presents the point of views of witnesses to the incident who support Mihai Dumitru’s declaration, as well as the point of view of Tulcea Police Inspectorate.

Thus, according to Chief Commissar Vasile Niculescu, spokesman of Tulcea County Police Inspectorate: “In the night of 31 May/ 1 June 2003, at 1 a.m., a Tulcea Public Order Police crew intervened to smooth away a scandal provoked by a group of men involved in a physical altercation near building no.5 at Alunisului St. Due to the noise caused by that group, several inhabitants watched from their windows. After the conflict was settled, one of the police officers requested the people involved to get back to their homes, going up to the second floor of building no.5. Shortly after, the police officer was headed back to the car, Mihai Dumitru, who had been involved in the incident, yelled swear words to the policeman while Dumitru’s son threw bread leftovers against the officer. The policeman warned him to stop or he would be sanctioned. Mihai Dumitru continued to say injurious words, therefore, the police officer led him to the municipal police precinct and fined him with a fine in amount of 40,000,000 Rol (approx. 1,100 Euros).

The spokesman of Tulcea CPI quoted by “Obiectiv” newspaper added: “...when brought to the Police Precinct, Mihai Dumitru presented marks of violence at both cheekbones (reddish marks), his eyes were red, he blinked often and tears were falling”¹⁴.

III. Issued medical documents

The hospital release note issued on June 6th, 2003, based on medical record no.17407, shows that Mihai Dumitru was hospitalised at the surgery section, diagnosed with “Acute cranial-cerebral traumatism by aggression”.

According to the legal medical certificate no. 333/ 10 June 2003, issued at 23.06.2003 by the Coroner’s office Tulcea, M.D. “on 1.06.2003 had a facial trauma with injuries at both eyelids, of both eyes with sub-conjunctivae haemorrhage, un-associate with skull bone injures and/or neurology disturbances. The injuries could be produced by a facial contuse impact, possible by hitting with a blunt object”, possibly on

¹¹ Quote from victim’s declaration;

¹² Proces verbal, series C, no. 1523861, drawn up on 01.06.03 by Tulcea Municipality Police, Public Order office, inspector Branza Mihaita; in addition, the son of Mihai Dumitru, Mihai Octavian, was fined with 20.000.000 Rol (approximately 800 Euro), on reason he allegedly threw bread slices at the policemen;

¹³ See “Obiectiv” newspaper of 06 June 2003, page 1;

¹⁴ Idem;

the date of "01.06.2003". The victim, according to the same legal – medical certificate required 3-4 days of medical care.

IV. The point of view of Tulcea Municipality Police

From 23 to 24 July 2003, members of Romani CRISS have been to Tulcea to monitor the case. One of the visit's aims was to meet with the representatives of Tulcea Municipality Police and to get the official point of view of the institution and to find out if there was an investigation going on in this case.

According to the chief-commissioner of Tulcea Municipality Police, Andronache Ion,: "inspector Branza and another police officer identified a group of four persons involved in an altercation. When police arrived, the four persons ran away and the policemen chased 2 persons each. Inspector Branza got on the Alunisului street (where M.D. is living) and entered the building. We don't know what happened there because it's a delicate moment".

About an on-going investigation, a dossier in this case, the chief-commissioner says that they received at the Tulcea Municipality Police a letter from the Ministry of Administration and Interior asking for official information on that particular incident. After talking to the witnesses, the police inspector would be sent to the Disciplinary Commission, if found guilty.

V. The Tulcea Municipality Police's solving of the case

On 13.08.2003, Mihai Dumitru received an answer from the County Police Inspectorate Tulcea: "the aspects revealed in the Memoir, namely that inspector Branza Mihaita physically aggressed you on the night of 31.05/01.06.2003, have been verified and we ascertained the guilt of the officer. We decided to send him before the Disciplinary Commission within County Police Inspectorate Tulcea and to apply one of the disciplinary sanctions according to Law 360/2002 on Policeman Status¹⁵.

¹⁵ Answer with registration no. 853/07.08.2003; Romani CRISS notes that Law 360/2002 regarding the police officer status, published in the Official Gazette, Part I, no. 440 of 24 June 2002, stipulates at article 58, "disciplinary sanctions that may be applicable to the police officer: warning, written expostulation, cut of salary with 5 to 10% for a period of 1 to 3 months; delay of promoting to higher professional grades or functions, for a period of 1 to 2 years; degrading from a position till the obtained basis professional level, at most; suspending of position form 1 to 3 months, period in which the police officer benefits only of the salary according to the initial professional degree, dismiss from the public function.